

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BILLY CEPERO,

Defendant.

2:10-cr-00178-PMP-VCF

**ORDER**

On August 13, 2014, Defendant Billy Cepero filed a Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence (Doc. #141). Plaintiff United States filed a Response in Opposition thereto (Doc. #147) on September 15, 2014. In its Response, the Government argued that Defendant Cepero's motion was untimely and should be dismissed unless Defendant Cepero could demonstrate a basis for equitable tolling of the one-year limitation for filing motions for relief under § 2255.

On October 1, 2014, the Court entered an Order (Doc. #149) directing that Defendant Cepero have until November 17, 2014 within which to file a Reply Memorandum demonstrating his entitlement to equitable tolling in this case. On December 29, 2014, Defendant Cepero filed a Reply Memorandum (Doc. #153) in which he failed to do so.

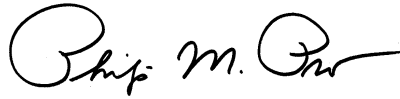
As a result, the Court finds that Defendant Cepero's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence (Doc. #141) filed August 13, 2014 is untimely as it was not filed within one-year of the date on which Defendant Cepero's

1 conviction became final, to wit: February 13, 2012.

2 **IT IS THEREFORE ORDERED** that Defendant Cepero's Motion Under  
3 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence (Doc. #141) is hereby  
4 **DENIED** as untimely.

5 **IT IS FURTHER ORDERED** that a Certificate of Appealability is **DENIED**.

6 DATED: January 5, 2015.

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PHILIP M. PRO  
United States District Judge